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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

JOSHUA I. PINE

Filed: September 29, 2000 Art Unit: 2851  
Serial No.: 09/672,987 Examiner: Not Assigned Yet  
For: SELECTABLE RESOLUTION Docket No.: 00CXT0422I  
IMAGE CAPTURE SYSTEM  
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RESPONSE TO NOTICE OF OMITTED ITEMS IN A NON-PROVISIONAL APPLICATION

**Box Missing Parts**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Omitted Items in a Non-Provisional Application mailed December 6, 2000, Applicant respectfully elects to proceed with Option III.

Applicant respectfully submits the enclosed Preliminary Amendment, which merely amends the specification to renumber the pages consecutively. No new matter has been added nor deleted.

Applicant also enclosed herewith the Copy of Notice of Missing Parts.

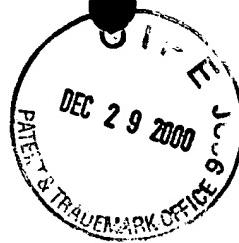
The Commissioner is hereby authorized to charge any additional filing fees or credit any overpayment to Deposit Account No. 01-0147. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Eric Cernyak  
Eric W. Cernyak, Reg. No. 45,919

Date: 12/27/00

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
816 Congress Avenue  
1900 Frost Bank Building  
Austin, TX 78701  
Telephone: (512) 499-6200  
Facsimile: (512) 499-6290



#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on December 27, 2000.

  
Eric W. Cernyar



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/672,987	09/29/2000	Joshua I. Pine	00CXT0422i

Eric W. Cernyar  
 Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
 816 Congress Avenue  
 1900 Frost Bank Building  
 Austin, TX 78701



## FORMALITIES LETTER



\*OC000000005601905\*

Date Mailed: 12/06/2000

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 24 of the specification (description and claims).
- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Certificate of Mailing  
Under Trademark Rule 1.8(a)**

In Re Inventor: Joshua I. Pine

Title: Selectable Resolution Image Capture System

Serial No.: 09/672,987

Filed: September 29, 2000

Name of Party Filing Paper: Akin, Gump, Strauss, Hauer & Feld

Type of Paper Being Filed: Preliminary Amendment

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on December 27, 2000.

Name of Person Signing Certificate: Michele Patterson

**Signature:** Michele Patterson

**Date of Mailing:** December 27, 2000

